

YANNAcone & YANNAcone

A New York Professional Corporation

326 South Ocean Avenue · Patchogue, NY 11772

Victor J. Yannacone (1906–1982)

Victor John Yannacone, jr

October 13, 2023

Hon. Steven I. Locke, USMJ
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: Ordering All Parties to October 19, 2023 Court Conference or, alternatively, reinstating and and/or referring the Order to Show Cause back to the United States District Court Judge to address Defendants' Bad Faith

Case: *Ferdinand L. Coste Jr. v. Town of Islip et al.*,

Docket No. 2:23-cv-01339-JMA-SIL

Dear Honorable Judge Locke:

Without any notice or attempt to meet and confer, Counsel for the Defendants requested cancellation of the conference scheduled for October 19, 2023.

Since the last Court conference, Defendants (Town of Islip) unilaterally and retroactively raised the rent and the use fees associated with Taxiway H under the existing Through the Fence Agreement by an exorbitant and unconscionable amount retroactive to December 1, 2022. Defendants made numerous representations to this Court and Plaintiff which were either false at the time of their making or have been withdrawn since such representations were made.

The Defendants (Town of Islip) now claims that the Plaintiffs owe the Town more than \$300,000. (Invoice annexed and made a part of this letter application). Defendants' actions frustrate the ability to resolve the matter as previously represented to this Court, the United States Magistrate Judge Locke.

Based on Defendants previous threats it stated were not to be forthcoming in Court, this action was commenced on February 21, 2023, with a motion for an order to show cause together with a verified complaint to avoid this very circumstance that Defendants stated to this Court would not occur.

No action has ever occurred on the order to show cause which Judge Azrack declined to sign on that date. Nevertheless, Judge Azrack directed Defendants to file a response to Plaintiff's Order to Show Cause by March 23, 2023.

516-551-0764

vyannacone@yannalaw.com

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On May 30, 2023, USDJ Azrack referred the outstanding matters to United States Magistrate Judge Steven I. Locke for a conference. On August 9, 2023, Judge Locke issued a Minute Order stating that “if the Town Defendants change Plaintiffs access to Taxiway H... They will provide Plaintiff with 10 days advance written notice such that Plaintiff can seek relief in Court by order to show cause.”

Plaintiffs consider the demand for payment of more than \$300,000 in rent and use fees retroactively applied to be sufficient grounds to warrant an application to This Court for Defendants to submit to an order to show cause, if not renew the previous request, in an effort to maintain the status quo pending an ultimate disposition of the case. Defendants’ concerted efforts, refusal to meet and confer or negotiate in good faith occasioned by their latest application should be heard, in person, on the Court Date previously scheduled for the past two (2) months, October 19, 2023, for the conference or for that very Order to Show Cause.

Alternatively, Plaintiffs respectfully request leave to file such an order to show cause or refer this to the United States District Court Judge for appropriate and further action.

Thank you for consideration of this application.

/s/ Victor John Yannacone, jr. /s/
THE LAW OFFICES OF CORY H. MORRIS
Attorney for the Plaintiffs
Office & P.O. Address
863 Islip Avenue
Central Islip, New York 11722
Phone: (631) 450-2515
Email : Cory.H.Morris@protonmail.com
Victor John Yannacone, jr., *of counsel*
Email: barrister@yannalaw.com